

REMARKS

Accordingly, claims 1 and 5-6 are now pending in the application. Reexamination and reconsideration of all outstanding rejections and objections are requested.

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kienitz in view of Sorensen, Blair, and Winnard.

The present invention, as recited, for example, in claim 1, is a hand-held IR thermometer including a dual laser beam sighting system with lasers oriented so that their beams cross at the focal point of the IR optics, a light source, mounted in the housing, for illuminating the area around the energy zone, and a magnetic base, attached to the housing, for creating an attachment to an automobile being repaired.

Kienitz discloses a hand held radiometer with a laser sighting system and digital camera.

Sorensen discloses an apparatus for heating the surface of a car. The apparatus is on wheels and is moved near the surface of the car to apply heat from heating lamps. A servo system includes an optical pyrometer for measuring temperature to provide for adjustment of the intensity of the heating lamps. A pair of lasers project dots onto the car surface so that when the dots converge the lamps are about 10 inches from the car surface.

Blair discloses a system having a fixed focus camera for forming visual images and a fixed focus laser assembly.

Willard discloses a magnetic device for storing and holding tools.

The examiner states that Kienitz discloses the basic IR radiometer with laser sighting system but does not explicitly teach the particular sighting system, a magnetic base, and that the repair service is repair of automobiles.

It is further stated that Sorensen is cited to show a device in the applicant's field of endeavor inherently having an IR optic, detector, and crossed-beam laser. It is stated that Sorensen is silent that the beams of the laser are crossing at the focus of the IR optics.

It is further stated that Blair shows a dual laser sighting system having two beams which cross at the fixed focal points of the camera.

It is then concluded that would have been obvious to modify the device disclosed by Kieinitz to have the sighting system of Blair so as to receive an enhance spot/illuminated delineation of the target surface and ensuring that the surface is properly focused in order to achieve more accurate results when inspecting the surface.

It is also stated that Winnard disclosed a device having a magnetic surface/base attachable to any surface of a car and it would have been obvious to add a magnetic base so the system disclosed by Kienitz.

This rejection is respectfully traversed for the following reasons.

A prima facie case of obviousness requires that all the claimed elements in the combination are taught or suggested by the references. MPEP §2143.03.

Several of the claimed elements are not taught or suggested by the references. In particular, there is no disclosure in any of the references of the dual laser cross beamed sighting system and light source for illuminating the area surrounding the energy zone.

As described in the specification, the light source is important to free the hands of a repairman from having to hold a flashlight. In Sorensen there is no light source illuminating the energy zone. The pyrometer in Sorensen does not image an energy zone but provides a temperature reading for use by the heating lamps, thus no energy zone is defined. Further, the heating lamps do not function to illuminate but to heat.

Additionally, the system of Blair discloses a fixed focus laser assembly but no light source for illuminating an energy zone. Blair is a system for forming a visual image and no energy zone is defined for illumination.

Secondly, there is no disclosure of a magnetic base, attached to the housing, for creating an attachment to an automobile being repaired. The reference Winnard discloses a magnetic system for storing tools. There is no teaching of a magnetic base for attaching a tool to an automobile being repaired.

Accordingly, the requirements of MPEP §2143.03 have not been met and a prima facie case of obviousness has not been established.

Finally, there is no motivation or teaching in the cited references to combine the references to make the combination of claim 1 obvious. Such a teaching is required to avoid the use of impermissible hindsight to use the applicant's claim as a roadmap to combine the references.

As described in the specification, the inclusion of a light source and magnetic base allows the user to accurately measure a temperature while keeping hands free to perform other tasks. The examiner has admitted that there is no such teaching in Kienitz. Sorensen is cited to show use in the auto repair field. However, Sorensen teaches a large heating system that is rolled into place. The system is not hand-held and there is no need for a magnetic base to free the operator's hands. Similarly, since the energy zone being measured is of no concern in Sorensen, the pyrometer simply returns a temperature to the servo system, there is no need for a light source to illuminate the energy zone. Finally, in Blair, there is no teaching that the operator needs to have hands free to perform other operations.

Accordingly, even if the elements recited in claim 1 were present in the references, there is no motivation to pick and choose between the various references to construct the claimed combination absent utilizing the claim itself as a roadmap.

Accordingly, claim 1 is not obvious in view of the cited references. Claims 5 and 6 depend on claim 1 and are allowable for the same reasons.

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hollander et al in view of Sorensen, Blair, and Winnard.

This rejection is respectfully traversed for the same reasons set forth above for the rejection based on Kienitz.

CONCLUSION

Accordingly, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (925) 944-3320.

Respectfully submitted,


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